UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,724	01/14/2000	Sharon S. Liu	5437-112	8756

29989	7590	04/07/2004

HICKMAN PALERMO TRUONG & BECKER, LLP
1600 WILLOW STREET
SAN JOSE, CA 95125

EXAMINER
AKPATI, ODAICHE T

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 04/07/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)	
Office Action Summary	09/483,724	LIU ET AL.	
	Examiner	Art Unit	
	Tracey Akpati	2135	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 January 2004_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,3-22,24-43 and 45-66_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,3-22,24-43 and 45-66_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _2, 7, 8, 10_.

4)☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. _15_.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. Claims 1-63 were pending. The communication filed 1/20/04 amended Claims 1, 22 and 43 and cancelled claims 2, 23 and 44. Claims 64-66 were added. Claims 1, 3-22, 24-43 and 45-66 are pending.

Response to Arguments

1.   Applicant's arguments filed 1/20/04 have been fully considered but they are not persuasive.

2.   *The attorney argues that the centralized framework provides the customized implementation to the requesting application and not a result of an operation.*

The attorney is directed to Elgamal et al (6389534B1), column 4, lines 9-24. This says that if the cryptographic policy module determines that the cryptographic policy file passes these tests, it enables or disables each of the possible forms of encryption that are allowable in that market. In Elgamal et al, column 5, lines 25-42, if the called operation is allowed, the service module performs the called operation, calling the cryptographic module when necessary. The results returned to the application indicate the encryption policies that have been allowed. This is the same as what the applicant's invention does (see applicant's specification, page 26, lines 10-11.

3.   *The attorney argues that the application of Elgamal does not request a customized implementation of a service.*

The examiner disagrees with attorney on this. Elgamal clearly shows a customized implementation of a service. Elgamal talks (on column 3, lines 1-36) about the problem of

difficulty of building, testing and localizing different versions of a product. He talks about cost

and efficient time management being an issue of great concern. He solves this problem by

creating a modifiable standard product; wherein the features needed by the consumer can be

turned off or on, depending on the user's needs (see column 4, lines 15-30). Hence a

customizable implementation of a service is achieved.

4.   *The attorney argues that because the framework does not return a customized*

implementation that can be invoked, every time the application wished to request the operation

or service, it must go through the centralized framework.

The examiner disagrees with the attorney on this. The applicant in Fig. 2 shows the

framework as one that receives the request for implementation of a service, determines

restrictions if any to be imposed, constructs requested implementation and provides the requested

implementation to the application. Elgamal's Fig. 3 and further elaboration on column 6, lines

11-31 shows that the application does not have to return to the framework every time it needs to

request an allowed operation or service. A filtered list is returned to the application (column 6,

lines 26-29) and hence, the application does not need to go back and call the framework to repeat

this process whenever it needs to request an operation regarding a cryptographic function within

the uploaded filtered list. The filtered list of cipher suites are already loaded once to the

application. Hence the applicant's invention is non-novel and hence unpatentable.

5.   With regard to Claim 2, the examiner agrees that the citation does not apply.

Hence Claim 2 rejection has been amended as can be found below in Claim 1 rejection, since

Claim 2 has been cancelled and appended as part of Claim 1 limitation by the attorney.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section

122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the

invention by the applicant for patent, except that an international application filed under the

treaty defined in section 351(a) shall have the effects for purposes of this subsection of an

application filed in the United States only if the international application designated the United

States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16, 22-37 and 43-58 are rejected under 35 U.S.C. 102(e) as being anticipated by

Elgamal (6389534 B1).

With respect to Claim 1, the limitation "receiving a request from the application for a

customized implementation of a service" is met on column 4, lines 15-23.

The limitation "determining a set of zero or more restrictions to be imposed upon said

customized implementation" is met on column 3, lines 50-58.

The limitation "dynamically constructing said customized implementation, said customized implementation incorporating said restrictions, and comprising enforcement logic for enforcing said restrictions; and providing said customized implementation to the application" is met on column 3, lines 40-45.

The limitation "wherein said customized implementation is invocable by the application without further interaction with the framework" is met on column 6, lines 23-43.

With respect to Claim 3, the limitation "wherein the system further comprises a general implementation for said service, wherein said general implementation is unrestricted, and wherein said customized implementation further incorporates said general implementation" is met on column 5, lines 39-42.

With respect to Claim 4, the limitation "wherein said enforcement logic enforces said restrictions on said general implementation" is met on column 5, lines 29-39.

With respect to Claim 5, the limitation "wherein said enforcement logic is invoked upon initialization of said customized implementation" is met on column 5, lines 3-8 and column 4, lines 15-23.

With respect to Claim 6, the limitation "wherein said enforcement logic, when invoked

receives a set of desired parameters from the application determines whether the desired

parameters exceed said restrictions; and in response to a determination that the desired

parameters exceed said restrictions, preventing said customized implementation from operating"

is met on column 5, lines 29-39.

With respect to Claim 7, the limitation "wherein said service is an encryption/decryption

service, and wherein said enforcement logic, when invoked determines whether a particular

exemption mechanism has been invoked; and in response to a determination that the particular

exemption mechanism has not been invoked, preventing said customized implementation from

operating" is met on column 6, lines 19-29.

With respect to Claim 8, the limitation "wherein determining the set of zero or more

restrictions comprises accessing information specifying one or more limitations; and

processing said limitations to derive said restrictions" is met on column 6, lines 23-31.

With respect to Claim 9, the limitation "wherein said service is an

encryption/decryption service, and wherein said information comprises a set of one or

more default encryption limitations" is met on column 6, lines 16-22.

With respect to Claim 10, the limitation "wherein said default encryption limitations are

derived by merging multiple jurisdiction policies and extracting therefrom the most

restrictive encryption limitation" is met on column 3, lines 55-58.

With respect to Claim 11, the limitation "wherein determining the set of zero or more restrictions comprises accessing information specifying one or more limitations determining permissions, if any, granted to the application; and reconciling said limitations and said permissions to derive said restrictions" is met on column 6, lines 16-29.

With respect to Claim 12, the limitation "wherein said limitations and said permissions are reconciled to derive restrictions which are least restrictive" is met on column 6, lines 16-29 and column 9, lines 51-56.

With respect to Claim 13, the limitation "wherein said service is an encryption/decryption service, and wherein said information comprises a set of one or more default encryption limitations, and a set of zero or more exempt encryption limitations which apply when one or more exemption mechanisms are implemented" is met on column 6, lines 23-31.

With respect to Claim 14, the limitation "wherein said default encryption limitations and said exempt encryption limitations are derived by merging multiple jurisdiction policies and extracting therefrom the most restrictive encryption limitations" is met on column 3, lines 55-58.

With respect to Claim 15, the limitation "wherein reconciling said limitations and said

permissions comprises determining whether the application has been granted any permissions;

and in response to a determination that the application has not been granted any

permissions, deriving said restrictions from said set of default encryption limitations" is met on

column 9, lines 46-51.

With respect to Claim 16, the limitation "wherein reconciling said limitations and said

permissions comprises determining whether the application has been granted any permissions

which require implementation of a particular exemption mechanism; in response to a

determination that the application has been granted a permission which requires implementation

of a particular exemption mechanism determining whether said exempt encryption limitations

allow said particular exemption mechanism to be implemented; and in response to a

determination that said exempt encryption limitations allow said particular exemption

mechanism to be implemented, deriving said restrictions from said set of exempt encryption

limitations" is met on column 7, lines 6-15.

With respect to Claims 22 and 43, its limitation is similar to Claim 1 limitation and hence

its rejection can be found above.

With respect to Claims 24 and 45, its limitation is similar to Claim 3 limitation and hence

its rejection can be found above.

With respect to Claims 25 and 46, its limitation is similar to Claim 4 limitation and hence

its rejection can be found above.

With respect to Claims 26 and 47, its limitation is similar to Claim 5 limitation and hence its rejection can be found above.

With respect to Claims 27 and 48, its limitation is similar to Claim 6 limitation and hence its rejection can be found above.

With respect to Claims 28 and 49, its limitation is similar to Claim 7 limitation and hence its rejection can be found above.

With respect to Claims 29 and 50, its limitation is similar to Claim 8 limitation and hence its rejection can be found above.

With respect to Claims 30 and 51, its limitation is similar to Claim 9 limitation and hence its rejection can be found above.

With respect to Claims 31 and 52, its limitation is similar to Claim 10 limitation and hence its rejection can be found above.

With respect to Claims 32 and 53, its limitation is similar to Claim 11 limitation and hence its rejection can be found above.

With respect to Claims 33 and 54, its limitation is similar to Claim 12 limitation and hence its rejection can be found above.

With respect to Claims 34 and 55, its limitation is similar to Claim 13 limitation and hence its rejection can be found above.

With respect to Claims 35 and 56, its limitation is similar to Claim 14 limitation and hence its rejection can be found above.

With respect to Claims 36 and 57, its limitation is similar to Claim 15 limitation and hence its rejection can be found above.

With respect to Claims 37 and 58, its limitation is similar to Claim 16 limitation and hence its rejection can be found above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 17-21, 38-42 and 59-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elgamal (6389534 B1) in view of Schell et al (5933503).

With respect to Claim 17, Elgamal meets all the limitation except that of a wrapper object being implemented and a dynamic implementation being utilized.

The limitation "wherein the system further comprises a general implementation for said service, and wherein dynamically constructing said customized implementation comprises" is met by Schell on column 6, lines 36-39.

The limitation "instantiating the general implementation to give rise to a general implementation instance instantiating a wrapper object; and encapsulating said general implementation instance and said restrictions within said wrapper object to derive said customized implementation" is met by Schell on column 8, lines 6-10.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Schell within the system of Elgamal so as to make the

system tamper proof.

With respect to Claim 18, Elgamal meets all the limitation except that of a wrapper object

being implemented.

The limitation "wherein said wrapper object comprises one or more invocable methods,

wherein said general implementation instance comprises one or more invocable methods, and

wherein encapsulating comprises mapping one or more of the invocable methods of said wrapper

object to one or more of the invocable methods of said general implementation instance" is met

by Schell on column 9, lines 32-35 and 46-55.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Schell within the system of Elgamal so as to make the

system tamper proof.

With respect to Claim 19, Elgamal meets all the limitation except that of the wrapper

object being implemented.

The limitation "wherein said wrapper object comprises initialization logic for enforcing

said restrictions on said general implementation instance" is met by Schell on column 9, lines 42-

45.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Schell within the system of Elgamal so as to make the

system tamper proof.

With respect to Claim 20, Elgamal meets all the limitation except that of an initialization

logic being invoked.

The limitation "wherein said initialization logic is invoked prior to allowing any of the

invocable methods of said general implementation instance to be invoked" is met by Schell on

column 9, lines 36-41.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Schell within the system of Elgamal so as to initialize the

system.

With respect to Claim 21, Elgamal meets all the limitation except the limitation described

in Claim 21.

The limitation "instantiating an exemption mechanism to give rise to an exemption

mechanism instance and encapsulating said exemption mechanism instance within said wrapper

object" is met by Schell on column 8, lines 6-20.

It would have been obvious to one of ordinary skill in the art to combine the teachings of

Schell within the system of Elgamal so as to prevent an external attacker from gaining

knowledge of what is contained within the system.

With respect to Claims 38 and 59, its limitation is similar to Claim 17 limitation and hence its rejection can be found above.

With respect to Claims 39 and 60, its limitation is similar to Claim 18 limitation and hence its rejection can be found above.

With respect to Claims 40 and 61, its limitation is similar to Claim 19 limitation and hence its rejection can be found above.

With respect to Claim 41 and 62, its limitation is similar to Claim 20 limitation and hence its rejection can be found above.

With respect to Claim 42 and 63, its limitation is similar to Claim 21 rejection and hence its rejection can be found above.

Claims 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elgamal (6389534 B1) in view of Chan et al (6005942).

With respect to Claims 64-66, all the limitation is met by Elgamal except the limitation of a framework comprising Java Cryptography Extension to Java Platform. This limitation is met by Chan et al on column 8, lines 30-44.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Chan et al within the system of Elgamal because the Java platform provides a uniform programming interface to a 100% Pure Java program regardless of the underlying operating system.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tracey Akpati whose telephone number is 703-305-7820. The

examiner can normally be reached on 8.30am-6.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Vu can be reached on 703-305-4393. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OTA

GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100